

CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building, and Code Enforcement
801 North First Street, Room 400
San José, California 95110-1795

Hearing Date/Agenda Number
P.C. 05/25/05 Item #

File Number
PDC00-030

Application Type
Planned Development Rezoning

Council District
7

Planning Area
Central

Assessor's Parcel Number(s)
472-11-072

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Lori Moniz

Location: 900 feet northerly of Story Road and approximately 2,300 feet westerly of McLaughlin Avenue (765 Story Road)

Gross Acreage: 3.4

Net Acreage: 3.4

Net Density: N/A

Existing Zoning: A(PD) Planned Development

Existing Use: Private Club and Offices

Proposed Zoning: A(PD) Planned Development

Proposed Use: Same w/Drinking Establishment/Entertainment

GENERAL PLAN

Completed by: LM

Land Use/Transportation Diagram Designation
Industrial Park with Mixed Industrial Overlay

Project Conformance:
☒ Yes ☐ No
☐ See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: LM

North: Vacant & Highway 280

R-1-8 Residence District

East: Industrial Park Uses

IP Industrial Park

South: Commercial Uses

A(PD) Planned Development

West: Industrial Park Uses

IP Industrial Park

ENVIRONMENTAL STATUS

Completed by: LM

☐ Environmental Impact Report found complete
☐ Negative Declaration circulated on September 23, 2004
☐ Negative Declaration adopted

☐ Exempt
☒ Environmental Review Incomplete

FILE HISTORY

Completed by: LM

Annexation Title: McLaughlin No. 3

Date: July 31, 1959

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

☐ Approval
☐ Approval with Conditions
☒ Denial
☐ Uphold Director's Decision

Date: _____

Approved by: _____
☐ Action
☒ Recommendation

OWNER/CONTACT

The American G.I. Forum of San José
Abel Cota, Executive Director
765 Story Road
San José, CA 95122

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: LM

Department of Public Works

No comments

Other Departments and Agencies

N/A

GENERAL CORRESPONDENCE

None received

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The applicant, The American G.I. Forum of San José, is proposing to rezone a 3.4 gross-acre site located 900 feet northerly of Story Road and approximately 2,300 feet westerly of McLaughlin Avenue (765 Story Road) from A(PD) Planned Development to A(PD) Planned Development to allow nightclub uses at an existing private club. A nightclub is more specifically defined by the Zoning Ordinance as a drinking establishment and entertainment facility. A request for rezoning was filed on May 10, 2000. This site was the subject of a previously approved Planned Development Rezoning (File No. PDC96-043), which was approved in 1997 to allow the existing private club and offices. On July 12, 2000, Staff sent the applicant a comment letter regarding this project and requested additional information to help in the evaluation of the proposal. Over the past several years, this application has been substantially inactive. The applicant has failed to provide information previously requested in order for staff to make a positive recommendation on the project.

Surrounding the site are industrial park uses to the east and west, commercial uses to the south, and vacant land and Highway 280 to the north.

Project Description

The proposed Planned Development Zoning would expand the permitted uses at an existing private club to allow nightclub uses in addition to the uses currently allowed under the existing Planned Development Zoning. The “nightclub” uses the applicant proposes constitute the leasing of the facility to outside private promoters for special events such as dance, comedy, sports (e.g. boxing, basketball, etc.) and fundraising.

ENVIRONMENTAL REVIEW

The environmental review for this project is incomplete. An Application for Environmental Clearance is required to address potentially significant environmental impacts associated with the proposed project.

In the review letter sent to the applicant on July 12, 2000, staff requested that the Application for Environmental Clearance be completed. Despite several requests, this application was never submitted.

GENERAL PLAN CONFORMANCE

The subject property is designated Industrial Park with a Mixed Industrial Overlay. The Mixed Industrial Overlay designation is appropriate for a mixture of primarily industrial with compatible commercial or public/quasi public uses. Examples of non-industrial uses allowed under this designation include nightclubs. Therefore this proposed project conforms to the City of San José's adopted San José 2020 General Plan Land Use/Transportation Diagram.

ANALYSIS

Abel A. Cota, Executive Director of the American G.I. Forum of San José, submitted a Planned Development Rezoning for the purpose of expanding the list of allowable uses for their existing multi-purpose community hall on Story Road. Mr. Cota indicated a desire to use the facility for the following purposes:

1. A private club house for the membership.
2. A hall for use by the American GI Forum and the community at large for the following purposes:
 - a. GI Forum functions relating to the organization.
 - b. Rental for weddings, quinceneras, anniversaries, business and private parties.
 - c. Rental to individuals wanting to use the hall for dances (leasing of the facility to outside private promoters for special events such as dance, comedy, sports such as for boxing and basketball events).

Early in the preliminary review process, staff sent a comment letter to the applicant dated February 23, 2000, which stated that all of these uses, except the rental of the hall for dances, were identified in the Forum's Planned Development Zoning's allowed uses. However, it was determined that the rental of the hall to a promoter for the purpose of staging public dances with entertainment, did not constitute the rental of the club for a "non-club social function" as allowed in the PD Zoning. Rather, it constitutes rental of the facility for a commercial business, and a commercial business has many of the characteristics of a nightclub, a use also not allowed under the approved Zoning. Therefore, a new Planned Development Zoning and Permit was required and hence filed. Key aspects of the approval process for the use were the identification of security measures and other project conditions sufficient to ensure that the proposed public dances/concerts operate safely and without impacting the surrounding community.

Subsequent to the filing of the Planned Development Rezoning application, a review letter was sent by Planning Staff on July 12, 2000 requesting an Application for Environmental Clearance, a clear project description describing the types of uses and activities envisioned, how they would function, the hours of operation, how security was to be provided, anticipated types of entertainment, the numbers and ages of patronage, and a Parking Analysis. Requested plan revisions include showing the location of outdoor lighting and detail of the entry driveway extending from Story Road to the facility.

On January 02, 2002, the applicant submitted the requested project description and management plan and indicated that the remainder of the required materials (revised plans) would be submitted in the near future. The project architect indicated that the applicant had initiated plan revisions in response to 30-day letter. The Application for Environmental Clearance was still needed.

The applicant hasn't responded to repeated requests for more information and the necessary components of a Planned Development Rezoning request. Due to the lack of sufficient information to analyze the environmental and operational impacts of the project, this proposal cannot be supported. For this reason Planning Staff recommends denial of the proposed nightclub use at the subject location.

PUBLIC OUTREACH

Notices of the public hearing were distributed to the owners and tenants of all properties located within 500 feet of the subject site as well as published in the San José Post Record. The Planning Commission agenda and City Council agenda are posted on the City of San José website with copies of the staff report and City Council memo. Staff has been available to discuss the project with interested members of the public.

RECOMMENDATION

Planning Staff recommends that the Planning Commission recommend to the City Council **denial** of the subject rezoning based on the following reasons:

1. Based on the very limited information provided by the applicant after numerous requests over the years by Planning staff, it is not possible to make a determination that the proposed project will not have a significant environmental impacts with respect to noise or traffic.
2. The proposed project does not have environmental clearance as required by CEQA.
3. Based on the very limited information provided by the applicant after numerous request over the years by Planning staff, it is not possible to make a determination the proposal will be compatible with the neighborhood.